



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office**

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EEOC Charge Number: 430-2019-02317

Jasmine Greene
REDACTED

Charging Party

Charlotte-Mecklenburg Schools
P.O. Box 30035
Charlotte, NC 28217

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of this charge. Respondent is an employer within the meaning of Title I of the Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. § 12101, et seq., and timeliness, and all other requirements for coverage have been met.

Charging Party alleges she was discriminated against by Respondent when Respondent failed to accommodate her in violation of the ADA. Charging Party further alleges Respondent subjected her to improper medical inquiries and retaliation based on her need for an accommodation, also in violation of the ADA. Respondent denies Charging Party's allegations. The evidence does not support Respondent's defenses.

The evidence shows that Charging Party is an individual with a disability as defined by the ADA. At all relevant times Charging Party was qualified to perform the essential functions of the position she held. The evidence further shows Respondent was aware of Charging Party's disability, and of Charging Party's need for accommodations for her disability. The evidence further establishes that Respondent made repeated requests for medical documentation that Charging Party had previously provided Respondent and sought information beyond what was reasonably necessary for Respondent to process Charging Party's accommodation request. There is reasonable cause to believe that Respondent subjected Charging Party to retaliatory harassment in violation of the ADA.

The evidence further shows that Respondent has a policy or practice of requiring employees seeking reasonable accommodations to complete an "Authorization to Obtain Information /

Request for Release of Records," which is overly broad and seeks more information than is reasonably needed to process the person's accommodation request. Respondent's actions therefore constitute a violation under the ADA.

Based upon its investigation of the allegation that Respondent denied Charging Party an accommodation in violation of the ADA, the EEOC is unable to conclude that the information obtained establishes violations of the ADA. This does not certify that the Respondent is in compliance with the statute.

Upon finding there is reason to believe violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 107 of the ADA and Commission Regulations apply to information obtained during conciliations.

If Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

Sandra Little

Digitally signed by Sandra Little
Date: 2021.01.15 11:25:32 -05'00'

Date

Thomas Colclough
District Director